

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Mail Stop 35
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10002759-4

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Josh Hogan

Serial No.:

Examiner: Chu, Kim Kwok

Filing Date:

Group Art Unit: 2653

Title: METHOD FOR ACCURATE POSITIONING OF MARKS AND SPACES ON AN
OPTICAL DISK

REMARKS IN CONJUNCTION WITH CONTINUATION

THE ASSISTANT COMMISSIONER OF PATENTS
Washington, D.C. 20231

Sir:

In the parent application (09/542,404), claims 1-7 were canceled, and a notice of allowance for claims 8-12 has been received. In this continuation, claims 1-7 are re-submitted, as amended in the parent application.

In the final office action in the parent application, claims 1-7 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Number 6,031,800 (Narumi *et al.*). Applicant respectfully traverses.

Claim 1 specifies writing a data set, reading the data set, determining the error rate for the data set, and adjusting write timing based on comparing the read error rate of the data set and the characterized read error rate as a function of write timing.

In the final office action in the parent application, the examiner cites Narumi *et al.* figures 6A and 6B for various parts of claim 1. Figures 6A and 6B illustrate how error rate decreases when the start time is varied over a variable range (to avoid wearout of a local area). In Narumi *et al.*, there is no teaching or suggestion to measure the error rate of a data set, compare that error rate to a characterized error rate, and adjust write timing based on the comparison. Applicant particularly traverses the final office action, page 4, sections (h) and (i). These sections do not accurately describe what is claimed in claim 1. In

particular, there is no comparison of error rates in Narumi *et al.*, and there is no adjustment based on the comparison.

Claim 5 specifies selecting a lowest read error rate among the first and second read error rates; and choosing a write timing corresponding to the lowest read error rate. Applicant particularly traverses the final office action, page 6, sections (i) and (j). The cited portion of Narumi *et al.* does not support the examiner's characterization in sections (i) and (j). Narumi *et al.*, column 8, lines 47-58 discuss an experiment in which error rates are characterized as a function of ranges of variation of start times, and does not teach or suggest selecting a lowest error rate, or choosing a write timing corresponding to the lowest error rate.

Claim 6 specifies adjusting the write timing; and repeating the preceding steps until the read error rate is less than a predetermined value. The examiner states that claim 6 has "limitations similar to those treated in the above rejections(s), and are met by the references as discussed above." The examiner's remarks do not satisfy the requirements of 37 CFR § 1.104(c)(2).

Claim 7 specifies determining a first read error rate for the first data set, and a second read error rate for the second data set; comparing the first and second error rates; and adjusting the write timing based on the comparison of the first and second error rates. The examiner provides no citation to Narumi *et al.* for a step of comparing, or adjusting based on a comparison.

Respectfully submitted,

by Augustus W. Winfield

Augustus W. Winfield

Reg. No. 34,046

June 27, 2003

Fort Collins, CO 80528-9599

(970)-898-3142